

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER
June 23, 2014

O'TOOLE, D.J.

This summarizes and supplements the Court's rulings on pending motions at the status conference.

Accepting the government's proposed protocol, which will involve a firewalled Assistant United States Attorney and a firewalled FBI agent, the defendant's Motion to Vacate Special Administrative Measures (dkt. no. 110) is DENIED.

The defendant's Motion for a Hearing and Appropriate Relief Concerning Leaks and Public Comments by Law Enforcement (dkt. no. 280) is DENIED.

The defendant's Motion for Grand Jury Instructions (dkt. no. 288) is DENIED.

The defendant's Motion to Strike "Betrayal of the United States" as a Non-Statutory Aggravating Factor (dkt. no. 279) is GRANTED.

As to the defendant's Motion to Suppress Statements (dkt. no. 295), no consideration is necessary at this time, accepting the government's representation that it will not use the statements at issue in its case-in-chief.

The Motion to Exclude Time (dkt. no. 370) from July 10, 2013 to June 18, 2014 is GRANTED. In addition, the time to August 14, 2014, the date of the next status conference, will be excluded.

The defendant's Motion to Strike Duplicative Aggravating Factors (dkt. no. 289) is DENIED for the reasons set forth in the government's response.

The defendant's Motion for an Informative Outline of the Government's Evidence of Aggravating Factors (dkt. no. 290) is DENIED.

The defendant's Motion to Preserve Constitutional Challenges to the Federal Death Penalty Act (dkt. no. 291) is DENIED under binding precedent.

The government's Motion for a List of Mitigating Factors (dkt. no. 294) at least 30 days before the submission of proposed jury questionnaires is DENIED without prejudice. The request may be renewed following the defendant's expert disclosures.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge